

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GERMAIN WILLIAMS, individually and)
as Administratrix of the Estate of)
MARJORIE WILLIAMS,)
)
Plaintiff,) Civil Action No. 21-635
)
v.) Judge Cathy Bissoon
)
COMPREHENSIVE HEALTHCARE)
MANAGER SERVICES, LLC d/b/a)
BRIGHTON REHABILITATION &)
WELLNESS CENTER and PERSONAL)
CARE MEDICAL ASSOCIATES LLC,)
)
Defendants.)

MEMORANDUM ORDER

Pending before the Court is a Motion to Remand to State Court (Doc. 6) by Plaintiff. The Court notes that a similar Motion to Remand — with the same counsel — is pending before this Court in Gill, et. al. v. Comprehensive Healthcare Management Services, LLC, et. al.,¹ No. 2:20-cv-01754.² For the reasons that follow, the Court stays and administratively closes both cases.

Despite hundreds of pages of briefing and exhibits, the Court notes that neither party apparently felt the need to notify the Court that a similar case with overlapping Defendants currently is on appeal in the Court of Appeals for the Third Circuit. Sherod v. Comprehensive Healthcare Management Services, LLC, et. al., No. 20-3287 (3d Cir. November 10, 2020). The

¹ Although Defendant is named as “Management” instead of “Manager,” the Court understands these to be the same entities.

² The Court notes that Defendants largely raise the same defenses in both cases, and thus they will be addressed together in this Order, and the Court will enter substantially the same Order in both cases.

case is, in fact, so similar to the cases at hand that Defendants seek leave to appeal the instant case on the same grounds should the undersigned rule the same way as Judge Schwab did in Sherod. *Compare Sherod*, Notice of Appeal, at pgs. 1-2 (Doc. 1) (appealing on the basis that Judge Schwab’s opinion “failed to properly apply federal officer jurisdiction pursuant to 28 U.S.C. § 1442 as a basis for conferring jurisdiction”) with Williams Def. Opp. (Doc. 19 at pg. 40 (requesting a stay should the Court grant remand so that Defendants may “appeal the remand on the basis of the federal officer removal statute.”)) and Gill Def. Opp. (Doc. 23, No. 2:20-cv-01754) at pg. 35 (same).

Indeed, the Court notes that Defendants not only made the same arguments in Sherod, but filed briefs in each of the three cases that are virtually identical on the issue of federal officer jurisdiction. *Compare* Williams Def. Opp. at pg. 30 and Gill Def. Opp. at pg. 25, with Sherod v. Comprehensive Healthcare Management Services, LLC., et. al., No. 2:20-cv-01198-AJS, Doc. 22 at 19 (W.D. Pa. Sept. 30, 2020) (Schwab, J.).

While the Court will not speculate as to Defendants’ motivations for its failure to explain this situation, it is concerned that Defendants chose to extend its efforts and resources on briefing this issue not once, but twice more — not to mention repeatedly filing additional pages of non-binding authority and requiring the Court to expend significant judicial resources in reconciling these different cases — instead of flagging for the Court the potential for binding Circuit authority.³

In light of this realization, the Court STAYS and ADMINISTRATIVELY CLOSES these analogous cases. Administrative closure is a docket control device used by the Court for

³ The Court also has significant concerns as to why the cases in Gill and Williams are proceeding on two separate tracks when, again, they appear to have significant issues overlapping.

statistical purposes, and it does not prejudice the rights of the parties in any manner. All pending motions shall be terminated until the stay is lifted and the case is re-opened. Defendants shall notify the Court within 7 days of a decision in Sherod by the Court of Appeals for the Third Circuit or upon any other disposition of that case. After disposition, including expiration of any additional periods of appeal, the parties shall jointly move to lift the stay and re-open the case if applicable.

IT IS SO ORDERED.

August 12, 2021

s/Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record